



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 FAX: 281-346-2556

FULSHEAR CITY COUNCIL MINUTES

APRIL 15, 2014

I. CALL TO ORDER

A Regular City Council Meeting was called to order by Mayor Thomas C. Kuykendall, Jr. in the City Hall located at 30603 FM 1093 Rd., Fulshear, Texas 77441 on Tuesday, April 15, 2014 at 7:07 p.m.

Council Present:

Thomas C. Kuykendall, Jr.-Mayor

Stephen Gill, Mayor Pro Tem

Larry Beustring

J. B. Collins, Jr.

Laverne Patterson

Jeff Roberts

Staff Present:

D. (Diana) Gordon Offord, City Secretary

C. J. Snipes, City Administrator

Lynn Raymer, Police Secretary

Mary Meier, Communication Coordinator

Kristina Brashear, Finance Director

Cheryl Stalinsky, Economic Development Director

Bobbi Martin, Utility Billing Clerk

Mike McCoy, Police Officer

Michelle Morris, Building Official

Others Present:

Tajana Mesic

Michael & Michele Martini

Jo Douglass

Kathy Ward

Kristen McGaughey

Frances Smart

Laura Ballard

Carol Wood

Joe Wood

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Continue- Others Present:

Mike Mobley

Lisa Mobley

Kerry Gilbert

Gaby Tassin

Julie Dowdall

William Cass

David Smith

Laurie Szantay

Gwen Fox

Todd Finney

Cheryl Finney

Dawn Brien

Bill Archer

John LeBourhis

Pam Tomme

Joyce Kristiansen

Ella Banks

John Dowdall

And 22 others who did not sign in

II. QUORUM

Mayor Kuykendall announced that a quorum was present and welcomed all the audience.

III. INVOCATION – Pastor John Crowe, River Bend Baptist Church, Fulshear, Texas

____ Larry Pennington of the River Bend Baptist Church gave the prayer.

IV. PLEDGE OF ALLEGIANCE

Mayor Kuykendall led the audience in the Pledge of Allegiance to the flag.

Mayor Kuykendall stated he would do the Proclamations presentation first and then continue with the rest of the meeting if there were no objections. Council was silent.

V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN

Mike Martini stated he is protesting the subdivision that DHK is wanting to build. I do not want to live by apartments so he can move his subdivision somewhere else.

Kathy Ward stated that she does not want Council to grant the zoning variance for the subdivision that is going in on Bois D’Arc. People move to Fulshear because they like rural area. We don’t need 200 homes. We need to continue with the one acre tracts.

Mayor Kuykendall stated we would be having a Public Hearing on this issue and as he gets to the names please identified if you want to wait for the Public Hearing to speak instead under Public Comments.

Kristen McGaughey stated that she moved to Fulshear because she likes the rural area and she urges the Council to vote "no". I don't think you should change zoning things for profit. We do not need apartments and things that will change our quiet community.

Frances Smart stated (I am leaving) that things are changing in this area and that she chose DHK because he is an excellent builder and will do it the right way. Other builders have asked for the property but I chose DHK.

Julie Dowdall stated that her property is right next to where DHK wants to do the ½ acre lot and she is not opposed to it because Doug (DHK) wants to do a lot of green space, hike and bike trails, and any other way really does not work.

Lori Szantkay lives in Cross Creek Ranch and is concerned as Johnson Development wants to construct two apartment complexes approximately 445 units each. Also Lovett plans to build a 600 unit and a Walmart on FM 1463. FM 1093 cannot stand the traffic it has now and that's coming. I am concerned with the overcrowding of the schools and would like to know from Council what are your plans for community safety, fast population growth, and plans to hire extra police and fireman.

Gwen Fox stated that voters wanted the one acre lots. If DHK project is granted a variance, will this set a precedence for other developers coming to the area who purchases a large tract of land. She asked Council to think about that.

Mayor Kuykendall thanked everyone for their comments and stated they would take them into consideration.

VI. PUBLIC HEARINGS

A. Public hearing on the Proposed Comprehensive Plan

The City Council of the City of Fulshear hereby gives notice that a Public Hearing shall be held regarding the pending adoption of the City's Comprehensive Plan.

Date: April 15, 2014

Time: 7:00 p.m.

Place: Fulshear City Hall, 30603 FM 1093 Rd., Fulshear, Texas

Interested Parties may appear at the Public Hearing and be heard with respect to the proposed Plan.

Public Hearing was opened at 7:30 p.m.

Kerry Gilbert, representing Johnson Development at Cross Creek Ranch and Huggins Interest. These are two of the largest stakeholders here in the City and they want to make sure their rights are protected and that they have some input. They are asking for more time to review

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the Comprehensive Plan to see how it might impact them. He stated there are no real definitions for Suburban residential, Estate residential, and Rural.

Mayor Kuykendall asked if anyone else would like to speak on the proposed Comprehensive Plan for the City. It was silent.

The Public Hearing was closed at 7:33 p.m.

B. PRESENTATION of the CITY'S FISCAL YEAR 2012-2013 ANNUAL PUBLIC HEARING on PROPOSED SPECIAL USE PERMIT in the DOWNTOWN DISTRICT

The City Council of the City of Fulshear hereby gives notice that a Public Hearing shall be held regarding a request by Property Owner: Jeff Roberts to change – Address: 30634 Front Street, Fulshear, Texas 77441 from Residential use to Commercial use within the Downtown District.

Date: April 15, 2014

Time: 7:00 p.m.

Place: Fulshear City Hall, 30603 FM 1093 Rd., Fulshear, Texas

Interested Parties may appear at the Public Hearing and be heard with respect to the application.

COMMERCIAL USE:

The owner(s) and/or applicant(s) are seeking this request for the purposes of changing the existing structure from Residential Use to Commercial Occupancy Use (hair salon). The application and site plan may be inspected by the Public at Fulshear City Hall Monday through Thursday from 8:00 a.m. -5:00 p.m. and Fridays 8:00 a.m. -3:00 p.m. For more details, contact the City Secretary, D. Gordon Offord at Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441 (Phone number: 281-346-1796 x204).

The Public Hearing was opened at 7:35 p.m. Mayor Kuykendall announced that Mr. Roberts has filed a conflict of interest affidavit. He also recused himself from the hearing and when this item comes up for action. No comments on this hearing was received. The Public Hearing was closed at 7:35 p.m.

C. PUBLIC HEARING on an APPLICATION for a PLANNED UNIT DEVELOPMENT

The City Council of the City of Fulshear hereby gives notice that a Public Hearing shall be held regarding a request from DHK Fulshear LP/Fulshear Run and Fulshear Village (Doug Konopka) for a Proposed Planned Unit Development (PUD).

Date: April 15, 2014

Time: 7:00 p.m.

Place: Fulshear City Hall

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Interested Parties may appear at the Public Hearing and be heard with respect to the application.

The application may be inspected by the public at Fulshear City Hall Monday through Thursday from 8:00 a.m. -5:00 p.m. and Fridays 8:00 a.m. -3:00 p.m. For more details, contact the City Secretary, D. Gordon Offord at Fulshear City Hall, 30603 FM 1093, Fulshear, Texas 77441 (Phone number: 281-346-1796 x204).

The Public Hearing was opened at 7:37 p.m.

Tajana Mesic stated her concern is the infrastructure and water.

Jo Douglas stated she would like to see DHK do the development on Bois D' Arc as he is a proven developer and that the change is going to come. Ms. Douglas stated if someone else does it, Fulshear will be the loser.

Carol Wood stated that her concerns are about the multi-family dwellings and having ½ acre tracts and all this will increase traffic plus all the bicycles on the weekend. Ms. Wood stated that she request that the zoning request be denied.

Mike Mobily stated that he is here to protest against the ½ acre lots. He stated it would directly affect his land value.

Todd Finney stated 1 acre want guarantee you anything. He stated just look at North Fulshear Estates. Mr. Finney stated that Doug (DHK) stands on his word and will do a quality job. Mr. Finney stated that DHK is the best in bunch of bad options (not to be negative). Mr. Finney stated that traffic is not going to be the problem but heavy trucks that travel this road.

Dawn Bryant stated she does not want apartments in the area as this is what she moved away from. Ms. Bryant stated too much traffic on Bois D' Arc with all the kids travelling to the high school. Ms. Bryant stated she does not want ½ acre lotsneed to keep it at one acre.

Bill Archer stated he has lived on Bois D' Arc for about 15 years and he does not want development but this is unrealistic so we need someone we can trust. Mr. Archer urges Council to approve the package deal from DHK as it is best thing for this area.

Pam Cumming stated she moved here from Sugarland. Ms. Cumming stated she liked the area as it is now and is opposed to the PUD (Planned Unit Development).

Mayor Kuykendall asked if anyone else would like to speak who did not sign up. One person responded.

Unknown female speaker asking a question whether (lake Fulshear) is a wetland?

C.J. Snipes, City Administrator, stated it is a wetland but not one that is recognized or State regulated.

Mayor Kuykendall stated that any developer would have to comply with environmental regulations regarding a wetland.

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George Lane stated he lives on Penn Lane and is definite pro Doug Konopka (DHK). Mr. Lane stated that growth is coming and best thing we can do is to choose a quality commodity.

Cheryl Finney stated that she lives on Walker Lane and that Mr. Konopka is offering a lot of greeny, walking and bike trails whereas is someone else comes in, we might be looking at privacy fences with one acre lots. Ms. Finney is for the DHK project.

Laura ? stated she is opposed to the ½ acre lot. She stated zoning was passed for 1 acre lots so why change it.

Mayor Kuykendall stated that he appreciated all the comments and the participants taking the time to come out to the meeting. Mayor Kuykendall closed the Public Hearing at 8:00 p.m.

VII. CONSENT AGENDA

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Council Member may request one or more items to be removed from the consent agenda for a separate discussion and action.

- A. CONSENT and APPROVAL of MINUTES MARCH 18, 2014 MEETING**
- B. CONSENT and approval of BUDGET REPORT and FINANCIAL STATEMENT**
- C. CONSENT and APPROVAL of TAMARRON MASTER SIGNAGE PLAN**
- D. CONSENT and APPROVAL of the FULSHEAR BEND DRIVE from FM 1463 to CROSS CREEK BEND LANE/ PRELIMINARY PLAT**
- E. CONSENT and APPROVAL on TAMARRON SECTION 5 FINAL PLAT**
- F. CONSENT and APPROVAL on H and V PROPERTIES, LLC (COMMERCIAL DEVELOPMENT) PRELIMINARY PLAT**
- G. CONSENT AND APPROVAL on TAMARRON LIFT STATION NO. 1/ FINAL PLAT**
- H. CONSENT AND APPROVAL on TAMARRON WASTEWATER TREATMENT PLANT NO. 1/FINAL PLAT**

A motion was made by Alderman Beustring to approve the Consent Agenda as presented. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

VIII. REPORTS

Reports are presented to Council for informational purposes only and no action may be taken on any item contained in a report with a specific actionable item listed under Business Items.

A. REPORT from SOUTHWEST WATER COMPANY (Repairs, New installations, and reports to TCEQ.)

Mayor Kuykendall stated because of such a lengthy agenda, we will allow questions on these reports, if any. The first report is from Severn Trent and we have a type-o on the agenda. It should say "Severn Trent" instead of "Southwest Water". Mayor also welcomed Jason back.

B. REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)

Council had no questions.

C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)

Council had no questions.

D. REPORT from the BUILDER SERVICES DEPARTMENT (Permits Issued, Inspections)

Council had no questions.

IX. BUSINESS

A. PRESENTATION of PROCLAMATION RECOGNIZING MOTORCYCLE AWARENESS MONTH

Mayor Kuykendall made a presentation at the beginning of the meeting to "Steel Heels Women's Motorcycle Club and also recognized the "Dust Pans" Motorcycle Club. The Proclamation was presented to Felicia Green of the Steel Heels Motorcycle Club.

B. PRESENTATION of PROCLAMATION RECOGNIZING AUTISM AWARENESS MONTH

No representative from the Autism Organization was present. Mayor Kuykendall read aloud to the audience a Proclamation recognizing "Autism Awareness Month".

C. PRESENTATION OF THE CITY'S FISCAL YEAR 2012-2013 ANNUAL AUDIT AND FINANCIAL REPORT BY WHITLEY PENN

Chris Bro of Whitley Penn presented the results from the Annual Audit which covered October 1, 2012 through September 30, 2013. The report stated that it contained unmodified opinion on eight opinion units, highest level of assurance that can be given on financial statements, and that amounts reported are materially correct. Mr. Bro presented his report to Council.

Mayor Kuykendall asked how does the financial status look for the City of Fulshear? Mr. Bro replied, "we are living it now." He stated the City is in good financial shape.

D. CONSIDERATION and POSSIBLE ACTION to APPROVE FISCAL YEAR 2012-2013 ANNUAL AUDIT and FINANCIAL STATEMENT

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A motion was made by Alderman Gill to approve Fiscal Year 2012-2013 Annual Audit and Financial Statement. It was seconded by Aldermen Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None

E. CONSIDERATION and POSSIBLE ACTION to APPROVE CHECKS PAID and PAYABLES from MARCH 14, 2014 to APRIL 11, 2014

A motion was made by Alderman Gill to approve checks paid and payables from March 14, 2014 to April 11, 2014 as presented. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None

F. PRESENTATION of the CITY of FULSHEAR'S COMPREHENSIVE PLAN by KENDIG KEAST COLLABORATIVE

Mayor Kuykendall introduced Gary Mitchell with Kendig Keast to present the Fulshear's Comprehensive Plan. Mr. Mitchell presented approximately a 30-minute presentation to the Council along with a video slide. The Fulshear Comprehensive Plan is intended to guide future development, redevelopment and community enhancement efforts in the City. Mr. Mitchell described the purpose of the plan and next he explored the potential for growth capacity and management.

Mayor Kuykendall stated that various groups have been involved in this process and that it takes a tremendous amount of time.

C.J. Snipes, City Administrator stated that this plan tried to take into consideration of development some type of industry instead of having just a bed-room community as years to come this could be a potential for taxes to reach \$5 per value for City taxes.

Mayor Kuykendall reinforced this statement as he stated 59 cents of city funds came from permits, sales taxes thirteen cents, and twenty-one percent property taxes according to our financial audit; when the funds from permits drops down, then the money will have to come from somewhere to maintain City services. Mayor Kuykendall stated this is the challenge for the City to also attract Commercial businesses. He also thanked Mr. Mitchell for his presentation.

G. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1135 an ORDINANCE of the CITY of FULSHEAR ADOPTING a COMPREHENSIVE PLAN

A motion was made by Alderman Gill to table Ordinance No. 2014-1135 and ordinance of the City of Fulshear adopting a Comprehensive Plan. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

H. CONSIDERATION and POSSIBLE ACTION to APPROVE ANNUAL INVESTMENT POLICY

A motion was made by Alderman Gill to approve Annual Investment Policy. It was seconded by Alderman Beustring. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

I. CONSIDERATION and POSSIBLE ACTION to APPROVE RESOLUTION NO. 2014-245 a RESOLUTION of the CITY of FULSHEAR DECLARING CERTAIN ITEMS SURPLUS or SALVAGE

A motion was made by Alderman Roberts to approve Resolution No. 2014-245 a resolution of the City of Fulshear declaring certain items surplus or salvage. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

J. CONSIDERATION and POSSIBLE ACTION to AWARD BID for the CONSTRUCTION of a BUTTERFLY GARDEN at IRENE STERN PARK

A motion was made by Alderman Gill to award bid for the construction of a Butterfly Garden at Irene Stern Park. It was seconded by Alderman Collins. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

K. CONSIDERATION and POSSIBLE ACTION to APPROVE INTERLOCAL AGREEMENT between the CITY and the LOCAL GOVERNMENT PURCHASING COOPERATIVE

A motion was made by Alderman Gill to approve InterLocal Agreement between the City and the Local Government Purchasing Cooperative. It was seconded by Alderman Beustring. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

L. CONSIDERATION and POSSIBLE ACTION to APPROVE UTILITY ACCOUNTS PRIVACY POLICY

A motion was made by Alderman Gill to approve Utility Accounts Privacy Policy. It was seconded by Alderman Collins. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

M. CONSIDERATION and POSSIBLE ACTION to APPROVE MEMORANDUM of UNDERSTANDING between the CITY of FULSHEAR and the UNITED STATES DRUG ENFORCEMENT ADMINISTRATION

A motion was made by Alderman Beustring to approve Memorandum of Understanding between the City of Fulshear and the United States Drug Enforcement Administration. It was seconded by Alderman Roberts. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

N. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1136 an ORDINANCE of the CITY of FULSHEAR APPROVING the INSTALLATION of "NO PARKING SIGNS" on the WEST SIDE of FLEWELLEN OAKS LANE between LODGE BLUFF LANE and FRY ROAD and on the NORTH SIDE of FLEWELLEN OAKS LANE between LODGE BLUFF LANE and FLEWELLEN WAY

A motion was made by Alderman Gill to approve Ordinance No. 2014-1136 and ordinance of the City of Fulshear approving the installation of "No Parking Signs" on the west side of Flewellen Oaks Lane between Lodge Bluff Lane and Fry Road and on the north side of Flewellen Oaks Lane between Lodge Bluff Lane and Flewellen way subject to the correction noted by City Administrator, C. J. Snipes. It was seconded by Alderman Roberts. The motion was carried by the following vote:

*Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson
Nays: None*

O. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1137 an ORDINANCE of the CITY of FULSHEAR APPROVING SPECIAL USE PERMIT for COMMERCIAL USE in the DOWNTOWN DISTRICT at 30634 FRONT STREET, FULSHEAR, TEXAS 77441

Mayor Kuykendall stated that Alderman Roberts has recused himself from any action on this item and also has filed the proper paperwork with the City Secretary.

A motion was made by Alderman Gill to approve Ordinance No. 2014-1137 an ordinance of the City of Fulshear approving Special Use Permit for commercial use in the downtown district at 30634 Front Street, Fulshear, Texas 77441. It was seconded by Alderman Beustring. The motion was carried by the following vote:

*Ayes: Alderman Beustring, Collins, Gill, and Alderwoman Patterson
Nays: None
Recused: Alderman Roberts*

P. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1138 an ORDINANCE of the CITY of FULSHEAR APPROVING APPLICATION for a PLANNED UNIT DEVELOPMENT on REQUEST by DHK DEVELOPMENT for FULSHEAR RUN

Mayor Kuykendall introduced Doug Konopka, the developer, for this project. Mr. Konopka introduced his staff Noah Worley and David Smith. He also thanked the audience for their comments. Mr. Konopka outlined his plan to the Council for this project. Mr. Smith gave an extensive overview of the project and some examples along with a video. Mr. Smith identified as approximately 178 acre lots, ten acres of Lakes, 24 acres of green space and there would be a buffer where the less than an acre lot would occur. There was a short question and answer period between developer and Council.

A motion was made by Alderman Gill to table until we can get a development agreement. It was seconded by Alderman Collins. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

Q. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1139 an ORDINANCE of the CITY of FULSHEAR AMENDING ORDINANCE NOS. 2013-1110 and 2014-1132 an ORDINANCE APPROVING and ADOPTING the CITY'S GENERAL BUDGET for FISCAL YEAR 2012-2013, by APPROVING "BUDGET AMENDMENT II"

A motion was made by Alderman Gill to approve Ordinance No. 2014-1139 an ordinance of the City of Fulshear amending Ordinance Nos. 2013-1110 and 2014-1132 an Ordinance approving and adopting the City's General budget for Fiscal year 2012-2013, by approving "Budget Amendment II. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None

R. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2014-1140 an ORDINANCE of the CITY of FULSHEAR REPEALING and REPLACING ORDINANCE NO. 2011-1049 REGARDING the use of GOLF CARTS and OTHER VEHICLES on ROADWAYS within the CITY LIMITS

A motion was made by Alderman Gill to approve Ordinance No. 2014-1140 an Ordinance of the City of Fulshear repealing and replacing Ordinance No. 2011-1049 regarding the use of golf carts and others vehicles on roadways within the City limits. It was seconded by Alderman Roberts.

Mayor Kuykendall stated that it was not permissible to operate golf carts on city streets. Mr.

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Rivera, a resident of Cross Creek Ranch addressed the Council for reconsideration for master planned communities regarding use of golf carts within the subdivision. Mayor Kuykendall announced that he organizes a committee to review this issue and as a result we are looking at a potential ordinance to allow use of golf carts on city streets providing the following requirements are adhered too.

Tim Kirwin, Assistant City Attorney, stated that this ordinance requires that each golf cart be inspected by a police officer, a permit of \$35.00 per year is required, safety equipment, current drivers' license, and insurance. Mr. Kirwin stated the city will make available a brochure outlining the regulations of golf carts.

Mayor Kuykendall called for a vote. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

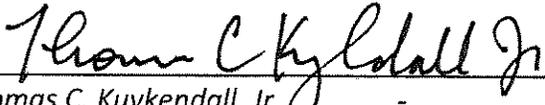
Nays: None

X. ADJOURNMENT

A motion was made by Alderman Collins to adjourn at 10:24 p.m. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

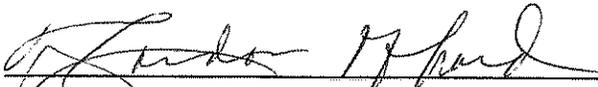
Ayes: Aldermen Beustring, Collins, Gill, Roberts, and Alderwoman Patterson

Nays: None



Thomas C. Kuykendall, Jr. - Mayor

Attest:



D. (Diana) Gordon Offord - City Secretary